

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

REBECCA L. GIBBONS,)
)
Plaintiff,)
)
v.) No. 4:08-CV-523 CAS
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

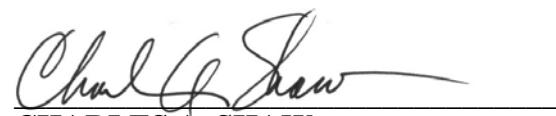
This matter is before the Court on plaintiff's Motion for Attorney's Fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(B). Plaintiff seeks attorney's fees in the amount of \$4,946.17, which amount is based on multiplying 28.5 hours of attorney time by a rate of \$173.55 per hour. Defendant responds that he does not contest plaintiff's application for attorney's fees, and requests that the Court's Order reflect that fees should be payable directly to plaintiff's counsel.

The Court has reviewed plaintiff's application for an award of fees and expenses under the EAJA, and concludes the statutory requirements are met. By Order and Judgment of Remand dated September 14, 2009, the Court remanded this case to defendant Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A claimant seeking judicial review of a final decision denying Social Security disability benefits may recover attorney's fees if he or she receives a "sentence four" remand. See Shalala v. Schaefer, 509 U.S. 292, 295-96 (1993). Because plaintiff prevailed and is not otherwise precluded from receiving attorney's fees, the Court finds that she is entitled to attorney's fees in the amount of \$4,946.17.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion for Attorney's Fees under the Equal Access to Justice Act is **GRANTED**. [Doc. 21]

IT IS FURTHER ORDERED that defendant Commissioner of Social Security shall pay attorney's fees under the EAJA in the amount of Four Thousand Nine Hundred Forty-Six Dollars and Seventeen Cents (\$4,946.17), and the award shall be made payable to Mr. David D. Camp, attorney for plaintiff, 230 S. Bemiston Avenue, Suite 810, St. Louis, Missouri 63105.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 9th day of December, 2009.